

The Honorable Paul G. Gardephe  
United States District Court Judge  
The Southern District of New York  
500 Pearl St.  
New York, NY 10007

Martin S. Gottesfeld  
Reg. No.: 12982-104  
Federal Correctional Institution  
P.O. Box 33  
Terre Haute, IN 47808

By: First-class U.S. mail, tracking number: 9114 9023 0722 4293 0823 89

Tuesday, December 3rd, 2019

In re: Gottesfeld v. Hurwitz, et al., 18-cv-10836-PGG-GWG, docket entry 91

Dear Judge Gardephe:

As always, I hope that my letter finds Your Honor well.

This afternoon, Tuesday, December 3rd, 2019, I received for the first time a copy of docket entry (D.E.) ninety-one (91), filed November 22nd, 2019, (please see Exhibit 1 hereto, photocopy of the certified-mail envelope bearing to me a copy of Your Honor's order and enlarged photo copy of a marking thereon by the FCI Terre Haute mail room indicating that it arrived at the institution's mailroom yesterday, Monday, December 2nd, 2019).

I wish to thank Your Honor for providing me sufficient time to answer the defendants' Motion to Dismiss (D.E. 51 and D.E. 52) in light of the concerted and coordinated efforts of the instant defendants and their parties in privity to win at all costs by sabotaging my access to outside support, adequate legal library resources, postage, envelopes, photocopy equipment, and typewriter supplies.

Pursuant to the prison-mailbox rule arising from Houston v. Lack, 487 U.S. 266 (1988), I filed my OPPOSITION TO DEFENDANTS' MOTION TO DISMISS (D.E. 51-52) on Monday, November 18th, 2019, when my opposition was ready for mailing to The Court in an envelope bearing sufficient affixed pre-paid U.S. Priority Mail® postage and U.S. Postal Service tracking number 9114 9023 0722 4291 7452 31, and awaiting placement in the mail by Ms. J. Wheeler of the FCI Terre Haute CMU unit team, acting in her official capacity as an agent of the defendants (please see Exhibit 2 hereto, photocopy of the aforementioned envelope as prepared on Monday, November 18th, 2019). Service was made in-hand to Ms. J. Wheeler in her official capacity as an agent of the defendants, with a copy of the opposition handed to her in an unsealed envelope bearing sufficient affixed pre-paid first-class U.S. postage and U.S. Postal Service tracking number 9114 9023 0722 4291 7459 41 (please see Exhibit 3 hereto, photocopy of the aforementioned envelope as prepared on Monday, November 18th, 2019).

A NOTICE OF FILING was also made on Monday, November 18th, 2019, and mailed in a separate envelope, bearing sufficient affixed pre-paid first-class U.S. postage and U.S. Postal Service tracking number 9114 9023 0722 4291 7459 65 (please see Exhibit 4 hereto, photocopy of the aforementioned envelope as prepared on Monday, November 18th, 2019).

According to tracking information provided to me by agents of the instant defendants acting in their official capacities, the envelopes bearing my opposition and the copy thereof for service to counsel for the defendants were delivered on November 25th, 2019--some three (3) days after Your Honor entered D.E. 91 (please see Exhibit 5 hereto, photocopy of inmate request to staff for tracking information and answer thereto).

I have requested but likely due to the holiday I have not yet received tracking information regarding the NOTICE OF FILING (please see Exhibit 6 hereto, photocopy of inmate request to staff for further tracking information).

If any of the above-referenced filings are yet to appear on the public docket of the instant case, then I formally request an evidentiary hearing to ascertain the chain of custody of those filings and their status since the time when I handed them over for filing pursuant to Houston v. Lack. Please see D.E. 83, which I hereby renew, if necessary.

Subsequent to my opposition, I have mailed The Court the following filings:


- MOTION FOR RELIEF (FED. RULES CIV. P. 57 AND 65) and MOTION FOR COPY OF GOVERNMENT'S LETTER, Tuesday, November 19th, 2019, U.S. Postal Service tracking number 9114 9023 0722 4291 7459 89 (please see Exhibit 7 hereto, photocopy of plaintiff's Tuesday, November 19th, 2019, envelope to The Court and corresponding envelope for service); and

- Reply to D.E. 88, Thursday, November 21st, 2019, U.S. Postal Service tracking number 9114 9023 0722 4293 0820 20. (Please see Exhibit 8 hereto)

I wish to note for the record, that I am yet to receive any confirmation that the above filings have appeared on the public docket. I consider this peculiar. I also have reason to believe that my wife--who is also my "next friend"--mailed to me a copy of a motion to intervene which I filed in another case and I am yet to receive said copy despite a significant waiting period. It is entirely possible that other correspondence has encountered similar difficulties. I thank Your Honor for Your Honor's prudent use of Certified Mail.

I am respectfully mailing this letter to Your Honor and carbon-copying counsel for the instant defendants. My envelope to The Court bears sufficient affixed pre-paid first-class U.S. postage and U.S. Postal Service tracking number 9114 9023 0722 4293 0823 89, and will be handed at the next opportunity on or after Tuesday, December 3rd, 2019, to Ms. J. Wheeler of the FCI Terre Haute CMU unit team, pursuant to Houston v. Lack, 487 U.S. 266 (1988).

I declare that the foregoing is true and correct under penalty of perjury under the laws of The United States pursuant to 28 U.S.C. § 1746(1). Executed on Tuesday, December 3rd, 2019.

by: 

Martin S. Gottesfeld, pro se  
Reg. No.: 12982-104  
Federal Correctional Institution  
P.O. Box 33  
Terre Haute, IN 47808

CC: Counsel for the defendants

Exhibit 1

THIS MAIL DOES NOT QUALIFY  
AS SPECIAL/LEGAL MAIL AS  
DEFERRED BY BOPPS 5265.11  
CORRESPONDENCE

CLERK OF COURT  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
U.S. COURTHOUSE - 500 PEARL STREET  
NEW YORK, NY 10007

OFFICIAL BUSINESS

GENIE MAIL



7002 2410 0005 1342 438

FIRST-CLASS MAIL

negpost  
11/26/2019

\$06.80

POSTAGE

ZIP 10007  
04111234778

Rec'd already opened  
TV 2019-12-03

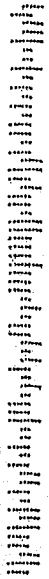
*Handwritten signature*

Martin S Gottesfeld  
ID No. 12982-104  
FCI Terre Haute  
P.O. Box 33  
Terre Haute, IN 47808

004-041L

COMM-FBI

4780830033 8050



1232m.2



122222



Exhibit 2

Martin S. Gottesfeld  
Reg. No.: 12982-104  
Federal Correctional Institution  
P.O. Box 33  
Terre Haute, IN 47808

UNITED STATES  
POSTAL SERVICE

USPS TRACKING #



9114 9023 0722 4291 7452 31

Label 409 Jan. 2013  
7590-15-000-7948



1  
USA  
DOLLAR



1  
USA  
DOLLAR



1  
USA  
DOLLAR



1  
USA  
DOLLAR



1  
USA  
DOLLAR



1  
USA  
DOLLAR

Monday, November 18th, 2019, Houston v. Laeki 487 U.S. 266 (1988)

⇔ 12982-104 ⇔

U S District Court  
Pro Se Clerk  
500 Pearl ST  
NEW YORK, NY 10007  
United States

Priority Mail Flat-Rate

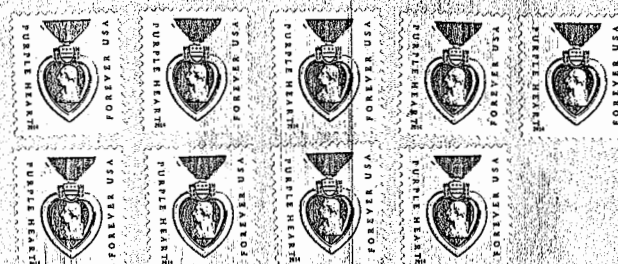




Exhibit 3

Martin S. Gottesfeld  
Reg. No.: 12982-104  
Federal Correctional Institution  
P.O. Box 33  
Terre Haute, IN 47808



USPS TRACKING #



9114 9023 0722 4291 7459 41

Label 400 Jan. 2013  
7500-15-000-7948

↔ 12982-104 ↔  
U S Attorneys Office  
Southern District of NY  
1 Saint Andrews PLZ  
NEW YORK, NY 10007  
United States



Monday, November 18th, 2019, Houston v. Lack, 487 U.S. 266 (1988)

Exhibit 4

Martin S. Gottesfeld  
Reg. No.: 12982-104  
Federal Correctional Institution  
P.O. Box 33  
Terre Haute, IN 47808



USPS TRACKING #



9114 9023 0722 4291 7459 65

Label 401 Jan. 2013  
7500-16-000-7448

⇌ 12982-104 ⇌  
U S District Court  
Pro Se Clerk  
500 Pearl ST  
NEW YORK, NY 10007  
United States



Monday, November 18th, 2019, Houston v. Lack, 487 U.S. 266 (1988)

Exhibit 5

To: FCI Terre Haute CMU unit team  
From: Martin S. Gottesfeld (Reg. No.: 12982-104)  
Subject: U.S. Postal Service Tracking Info?  
Date: Wednesday, November 20th, 2019


Salutations Unit Team,

I hope you are well.

May I please get the latest-available tracking information for the following U.S. Postal Service tracking labels?

9114 9023 0722 4291 7452 86--Mail call 11/12, "in transit" 11/18ish  
9114 9023 0722 4291 7452 17--Mail call 11/12, "in transit" 11/18ish  
9114 9023 0722 4291 7452 55--Mail call 11/12, "in transit" 11/18ish  
9114 9023 0722 4291 7452 31--Mail call 11/19, cleared by CTU 11/20  
9114 9023 0722 4291 7459 41--Mail call 11/19

Thanks,



Martin S. Gottesfeld



# USPS Tracking®

[FAQs](#)[Track Another Package +](#)**Tracking Number:** 9114902307224291745231[Remove](#)

Your item was delivered to the front desk, reception area, or mail room at 2:00 pm on November 25, 2019 in NEW YORK, NY 10007.

## Delivered

November 25, 2019 at 2:00 pm  
Delivered, Front Desk/Reception/Mail Room  
NEW YORK, NY 10007

[Get Updates](#)

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[Text & Email Updates](#)

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[Tracking History](#)

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[Product Information](#)

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[See Less](#)

# USPS Tracking®

[FAQs](#)

[Track Another Package](#) +

**Tracking Number:** 9114902307224291745941

[Remove](#)

Your item was delivered to the front desk, reception area, or mail room at 2:40 pm on November 25, 2019 in NEW YORK, NY 10007.

## Delivered

November 25, 2019 at 2:40 pm  
Delivered, Front Desk/Reception/Mail Room  
NEW YORK, NY 10007

[Get Updates](#)

[Feedback](#)

---

[Text & Email Updates](#)

---

[Tracking History](#)

---

[Product Information](#)

---

[See Less](#)



Exhibit 6

To: CMU Unit Team  
From: Martin S. Gottesfeld (Reg. No.: 129824104)  
Date: Tuesday, November 26th, 2019  
Subject: U.S. Postal Service Tracking Information?

Salutations Unit Team,

I hope you are well.

May I please get the latest-available tracking information for the following United States Postal Service tracking labels?

9114 9023 0722 4291 7459 65--Mail call 11/19

9114 9023 0722 4293 0882 75--Mail call 11/19

9114 9023 0722 4291 7459 89--Mail call 11/20

9114 9023 0722 4291 7996 92--Mail call 11/21

9114 9023 0722 4293 0882 51--Mail call 11/21

Thanks,



Martin S. Gottesfeld

Exhibit 7

Martin S. Gottesfeld  
Reg. No.: 12982-104  
Federal Correctional Institution  
P.O. Box 33  
Terre Haute, IN 47808



USPS TRACKING #



9114 9023 0722 4291 7459 89

Label 400 Jan. 2013  
7550-15-000-7448

⇌ 12982-104 ⇌  
U S District Court  
Pro Se Clerk  
500 Pearl ST  
NEW YORK, NY 10007  
United States



Tuesday, November 19th, 2019, Houston v. Lack, 487 U.S. 266 (1988)

NAME: Martin S. Gottesfeld  
NUMBER: 12982-104  
Federal Correctional Institution  
P.O. Box 33  
Terre Haute, IN 47808

⇌ 12982-104 ⇌  
U S Attorneys Office  
Southern District of NY  
1 Saint Andrews PLZ  
NEW YORK, NY 10007  
United States





Exhibit 8

Martin, S. Gottesfeld  
Reg. No.: 12982-104  
Federal Correctional Institution  
P.O. Box 33  
Terre Haute, IN 47808

UNITED STATES  
POSTAL SERVICE

USPS TRACKING #



9114 9023 0722 4293 0820 20

⇌ 12982-104 ⇌  
U S District Court  
Pro Se Clerk  
500 Pearl ST  
NEW YORK, NY 10007  
United States



Thursday, November 21st, 2019, Houston v. Lack, 487 U.S. 266 (1988)

NAME: Martin S. Gottesfeld  
NUMBER: 12982-104  
Federal Correctional Institution  
P.O. Box 33  
Terre Haute, IN 47808

⇌ 12982-104 ⇌  
U S Attorneys Office  
Southern District of NY  
1 Saint Andrews PLZ  
NEW YORK, NY 10007  
United States



S.D.N.Y. Reply to  
D.R. 88  
Nov. 21, 2019





UNITED STATES  
POSTAL SERVICE

USPS TRACKING #



9114 9023 0722 4293 0823 89

10/12/19 10:00 AM  
NEW YORK, NY 10007

12082-104

U S District Court  
Pro Se Clerk  
500 Pearl ST  
NEW YORK, NY 10007  
United States

Tuesday, December 3rd, 2019, Houston v. Lack, 487 U.S. 266 (1988)

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SDNY

